

FILED

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of )  
 )  
Amendment of Rules and Policies ) CS Docket No. 97-98  
Governing Pole Attachments )

To: The Commission

UTC AND THE EDISON ELECTRIC INSTITUTE  
COMMENTS IN SUPPORT OF MOTION FOR EXTENSION OF TIME

Pursuant to Section 1.46(b) of the Federal Communications Commission's (FCC) Rules, UTC, The Telecommunications Association (UTC),<sup>1</sup> and the Edison Electric Institute (EEI) hereby submit their joint support for the "Motion For Extension Of Time" filed by 16 utilities collectively referred to as the "Electric Utilities" on April 21, 1997, in the above referenced matter.

UTC, The Telecommunications Association (UTC), is the national representative on communications matters for the nation's electric, gas and water utilities and natural gas pipelines. Over 1,000 such entities are members of UTC, and include investor-owned utilities, municipal electric systems, rural electric cooperatives, and natural gas distribution and transmission companies. The Edison Electric Institute (EEI) is the association of the United States investor-owned electric utilities and industry associates worldwide. EEI's members service approximately 76 percent of all electric customers in the nation.

<sup>1</sup> UTC was formerly known as the Utilities Telecommunications Council.

As the principal representatives of the utilities directly impacted by the Commission's interpretation and implementation of the Pole Attachment Act , 47 U.S.C. Section 224, as amended by the Telecommunications Act of 1996, both UTC and EEI have a direct interest in this proceeding.

The current *Notice of Proposed Rulemaking (NPRM)* proposes to modify the current formula used to calculate the rates charged by investor-owned utilities for attachments to poles, ducts, conduits and rights-of-way by cable companies and telecommunications carriers. Pursuant to the Telecommunications Act of 1996 the proposed revised pole attachment formula would apply as an "interim" formula for all new attachments by cable companies and telephone companies pending the effectiveness of a new formula on February 8, 2001.

The Electric Utilities have requested that the Commission extend the period of time by which interested parties must file reply comments by two weeks. For the following reasons UTC and EEI support this motion. As the Electric Utilities point out, an extension of time is warranted in light of the issuance of the July 18, 1997, decision by the U.S. Court of Appeals for the Eighth Circuit in matter of *Iowa Utilities Board v. FCC*, No. 96-3321, *et al.* The Court's invalidation of several of the FCC's rules for the pricing of interconnection services raises a number of issues that are closely related to the subject of the current pole attachment rule making, and therefore the parties should be given sufficient time to assess the impact of the *Iowa Utilities Board* decision on the instant proceeding.

Further, the large number of comments filed in response to the *NPRM* present complex issues affecting utilities, cable companies and telecommunications carriers, requiring an examination of detailed accounting and engineering information. As the principal representative of the various electric utilities impacted by this proceeding, UTC and EEI have been working to reach mutual agreement among the different utilities on the myriad issues raised in this proceeding. An extension of time will serve the public interest by allowing all parties to more fully respond to the comments raised in the *NPRM* in an informative manner, and will not appreciably delay the Commission's adoption of final rules.

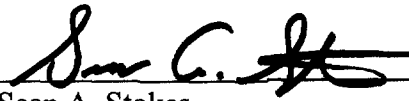
**WHEREFORE, THE PREMISES CONSIDERED,** UTC and EEI request the Federal Communications Commission grant the Electric Utilities' Motion to extend the reply comment period by 14 days until August 4, 1997.

Respectfully submitted,

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